

Table of Contents

Volume 1

SERIES 100	PRETRIAL INSTRUCTIONS
SERIES 200	EVIDENCE
SERIES 300	CONTRACTS
SERIES 400	NEGLIGENCE
SERIES 500	MEDICAL NEGLIGENCE
SERIES 600	PROFESSIONAL NEGLIGENCE
SERIES 700	MOTOR VEHICLES AND HIGHWAY SAFETY
SERIES 800	RAILROAD CROSSINGS
SERIES 900	COMMON CARRIERS
SERIES 1000	PREMISES LIABILITY
SERIES 1100	DANGEROUS CONDITION OF PUBLIC PROPERTY
SERIES 1200	PRODUCTS LIABILITY
SERIES 1300	ASSAULT AND BATTERY
SERIES 1400	FALSE IMPRISONMENT
SERIES 1500	MALICIOUS PROSECUTION
SERIES 1600	EMOTIONAL DISTRESS
SERIES 1700	DEFAMATION
SERIES 1800	RIGHT OF PRIVACY
SERIES 1900	FRAUD OR DECEIT
SERIES 2000	TRESPASS
SERIES 2100	CONVERSION
SERIES 2200	ECONOMIC INTERFERENCE
SERIES 2300	INSURANCE LITIGATION

Volume 2

- SERIES 2400 WRONGFUL TERMINATION**
- SERIES 2500 FAIR EMPLOYMENT AND HOUSING ACT**
- SERIES 2600 CALIFORNIA FAMILY RIGHTS ACT**
- SERIES 2700 LABOR CODE ACTIONS**
- SERIES 2800 WORKERS' COMPENSATION**
- SERIES 2900 FEDERAL EMPLOYERS' LIABILITY ACT**
- SERIES 3000 CIVIL RIGHTS**
- SERIES 3100 ELDER ABUSE AND DEPENDENT ADULT CIVIL
 PROTECTION ACT**
- SERIES 3200 SONG-BEVERLY CONSUMER WARRANTY ACT**
- SERIES 3300 UNFAIR PRACTICES ACT**
- SERIES 3400 CARTWRIGHT ACT**
- SERIES 3500 EMINENT DOMAIN**
- SERIES 3600 CONSPIRACY**
- SERIES 3700 VICARIOUS RESPONSIBILITY**
- SERIES 3800 EQUITABLE INDEMNITY**
- SERIES 3900 DAMAGES**
- SERIES 4000 LANTERMAN-PETRIS-SHORT ACT**
- SERIES 4100 BREACH OF FIDUCIARY DUTY**
- SERIES 4200 UNIFORM FRAUDULENT TRANSFER ACT**
- SERIES 4300–4900 Reserved for Future Use**
- SERIES 5000 CONCLUDING INSTRUCTIONS**

TABLES

Disposition Table

Table 1 of Related Instructions (BAJI to CACI)

Table 2 of Related Instructions (CACI to BAJI)

Table of Cases
Table of Statutes
INDEX

Volume 1

SERIES 100 PRETRIAL INSTRUCTIONS

- 100. Preliminary Admonitions
- 101. Overview of Trial
- 102. Taking Notes During the Trial
- 103. Multiple Parties
- 104. Non-Person Party
- 105. Insurance
- 106. Evidence
- 107. Witnesses
- 108. Duty to Abide by Translation Provided in Court
- 109. Removal of Claims or Parties
- 110. Service Provider for Juror With Disability
- 111. Instruction to Alternate Jurors
- 112. Questions From Jurors
- 113–199. Reserved for Future Use

SERIES 200 EVIDENCE

- 200. Obligation to Prove—More Likely True Than Not True
- 201. More Likely True—Clear and Convincing Proof
- 202. Direct and Indirect Evidence
- 203. Party Having Power to Produce Better Evidence
- 204. Willful Suppression of Evidence
- 205. Failure to Explain or Deny Evidence
- 206. Evidence Admitted for Limited Purpose
- 207. Evidence Applicable to One Party
- 208. Deposition as Substantive Evidence
- 209. Use of Interrogatories of a Party
- 210. Requests for Admissions
- 211. Prior Conviction of a Felony
- 212. Statements of a Party Opponent
- 213. Adoptive Admissions
- 214. Admissions by Silence
- 215. Exercise of a Communication Privilege
- 216. Exercise of Witness' Right Not to Testify
- 217. Evidence of Settlement

- 218. Statements Made to Physician (Previously Existing Condition)
- 219. Expert Witness Testimony
- 220. Experts—Questions Containing Assumed Facts
- 221. Conflicting Expert Testimony
- 222. Evidence of Sliding-Scale Settlement
- 223–299. Reserved for Future Use

SERIES 300 CONTRACTS

- 300. Essential Factual Elements
- 301. Third-Party Beneficiary
- 302. Contract Formation—Essential Factual Elements
- 303. Breach of Contract—Essential Factual Elements
- 304. Oral or Written Contract Terms
- 305. Implied-in-Fact Contract
- 306. Unformalized Agreement
- 307. Contract Formation—Offer
- 308. Contract Formation—Revocation of Offer
- 309. Contract Formation—Acceptance
- 310. Contract Formation—Acceptance by Silence
- 311. Contract Formation—Rejection of Offer
- 312. Substantial Performance
- 313. Modification
- 314. Interpretation—Disputed Term
- 315. Interpretation—Meaning of Ordinary Words
- 316. Interpretation—Meaning of Technical Words
- 317. Interpretation—Construction of Contract as a Whole
- 318. Interpretation—Construction by Conduct
- 319. Interpretation—Reasonable Time
- 320. Interpretation—Construction Against Drafter
- 321. Existence of Condition Precedent Disputed
- 322. Occurrence of Agreed Condition Precedent
- 323. Waiver of Condition Precedent
- 324. Anticipatory Breach
- 325. Breach of Covenant of Good Faith and Fair Dealing—Essential Factual Elements
- 326. Assignment Contested
- 327. Assignment Not Contested
- 328–329. Reserved for Future Use

- 330. Affirmative Defense—Unilateral Mistake of Fact
- 331. Affirmative Defense—Bilateral Mistake
- 332. Affirmative Defense—Duress
- 333. Affirmative Defense—Economic Duress
- 334. Affirmative Defense—Undue Influence
- 335. Affirmative Defense—Fraud
- 336. Affirmative Defense—Waiver
- 337. Affirmative Defense—Novation
- 338–349. Reserved for Future Use
- 350. Introduction to Contract Damages
- 351. Special Damages
- 352. Loss of Profits—No Profits Earned
- 353. Loss of Profits—Some Profits Earned
- 354. Owner's/Lessee's Damages for Breach of Contract to Construct Improvements on Real Property
- 355. Obligation to Pay Money Only
- 356. Buyer's Damages for Breach of Contract for Sale of Real Property
- 357. Seller's Damages for Breach of Contract to Purchase Real Property
- 358. Mitigation of Damages
- 359. Present Cash Value of Future Damages
- 360. Nominal Damages
- 361. Plaintiff May Not Recover Duplicate Contract and Tort Damages
- 362–369. Reserved for Future Use
- 370. Common Count: Money Had and Received
- 371. Common Count: Goods and Services Rendered
- 372. Common Count: Open Book Account
- 373. Common Count: Account Stated
- 374. Common Count: Mistaken Receipt
- 375–399. Reserved for Future Use
- VF-300. Breach of Contract
- VF-301. Breach of Contract—Affirmative Defense—Unilateral Mistake of Fact
- VF-302. Breach of Contract—Affirmative Defense—Duress
- VF-303. Breach of Contract—Contract Formation at Issue
- VF-304–VF-399. Reserved for Future Use

SERIES 400 NEGLIGENCE

- 400. Essential Factual Elements
- 401. Basic Standard of Care

- 402. Standard of Care for Minors
- 403. Standard of Care for Physically Disabled Person
- 404. Intoxication
- 405. Plaintiff's Contributory Negligence
- 406. Apportionment of Responsibility
- 407. Decedent's Contributory Negligence
- 408. Co-participant in a Sports Activity
- 409. Liability of Instructors, Trainers, or Coaches
- 410. Parental Liability (Nonstatutory)
- 411. Reliance on Good Conduct of Others
- 412. Duty of Care Owed Children
- 413. Custom or Practice
- 414. Amount of Caution Required in Dangerous Situations
- 415. Employee Required to Work in Dangerous Situations
- 416. Amount of Caution Required in Transmitting Electric Power
- 417. Special Doctrines: Res ipsa loquitur
- 418. Presumption of Negligence per se
- 419. Presumption of Negligence per se (Causation Only at Issue)
- 420. Negligence per se: Rebuttal of the Presumption of Negligence (Violation Excused)
- 421. Negligence per se: Rebuttal of the Presumption of Negligence (Violation of Minor Excused)
- 422. Sale of Alcoholic Beverages to Obviously Intoxicated Minors (Bus. & Prof. Code, § 25602.1)
- 423. Public Entity Liability for Failure to Perform Mandatory Duty
- 424. Negligence Not Contested—Essential Factual Elements
- 425–429. Reserved for Future Use
- 430. Causation: Substantial Factor
- 431. Causation: Multiple Causes
- 432. Causation: Third-Party Conduct as Superseding Cause
- 433. Causation: Intentional Tort/Criminal Act as Superseding Cause
- 434. Alternative Causation
- 435. Causation for Asbestos-Related Cancer Claims
- 436–449. Reserved for Future Use
- 450. Good Samaritan
- 451. Express Assumption of Risk
- 452. Sudden Emergency
- 453. Rescue
- 454. Affirmative Defense—Statute of Limitations

455. Statute of Limitations—Delayed Discovery
456–459. Reserved for Future Use
460. Strict Liability for Ultrahazardous Activities—Essential Factual Elements
461. Strict Liability for Injury Caused by Wild Animal—Essential Factual Elements
462. Strict Liability for Injury Caused by Domestic Animal With Dangerous Propensities—Essential Factual Elements
463. Dog Bite Statute (Civ. Code, § 3342)—Essential Factual Elements
464–499. Reserved for Future Use
VF-400. Negligence—Single Defendant
VF-401. Negligence—Single Defendant—Plaintiff’s Negligence at Issue—Fault of Others Not at Issue
VF-402. Negligence—Fault of Plaintiff and Others at Issue
VF-403. Co-participant in a Sports Activity
VF-404. Liability of Instructors, Trainers, or Coaches
VF-405. Parental Liability (Nonstatutory)
VF-406. Negligence—Sale of Alcoholic Beverages to Obviously Intoxicated Minor
VF-407. Strict Liability—Ultrahazardous Activities
VF-408. Strict Liability for Domestic Animal With Dangerous Propensities
VF-409. Dog Bite Statute (Civ. Code, § 3342)
VF-410–VF-499. Reserved for Future Use

SERIES 500 MEDICAL NEGLIGENCE

500. Essential Factual Elements
501. Standard of Care for Health Care Professionals
502. Standard of Care for Medical Specialists
503A. Psychotherapist’s Duty to Protect Intended Victim From Patient’s Threat
503B. Affirmative Defense—Psychotherapist’s Warning to Victim and Law Enforcement
504. Standard of Care for Nurses
505. Success Not Required
506. Alternative Methods of Care
507. Duty to Warn Patient
508. Duty to Refer to a Specialist
509. Abandonment of Patient
510. Derivative Liability of Surgeon
511. Wrongful Birth—Sterilization/Abortion—Essential Factual Elements
512. Wrongful Birth—Essential Factual Elements
513. Wrongful Life—Essential Factual Elements
514. Duty of Hospital

515. Duty of Hospital to Provide Safe Environment
516. Duty of Hospital to Screen Medical Staff
517. Affirmative Defense—Patient’s Duty to Provide for His or Her Own Well-Being
518. Medical Malpractice: Res ipsa loquitur
519–529. Reserved for Future Use
530A. Medical Battery
530B. Medical Battery—Conditional Consent
531. Consent on Behalf of Another
532. Informed Consent—Definition
533. Failure to Obtain Informed Consent—Essential Factual Elements
534. Informed Refusal—Definition
535. Risks of Nontreatment—Essential Factual Elements
536–549. Reserved for Future Use
550. Affirmative Defense—Plaintiff Would Have Consented
551. Affirmative Defense—Waiver
552. Affirmative Defense—Simple Procedure
553. Affirmative Defense—Emotional State of Patient
554. Affirmative Defense—Emergency
555–599. Reserved for Future Use
VF-500. Medical Negligence
VF-501. Medical Negligence—Informed Consent—Affirmative Defense That Plaintiff Would Have Consented Even If Informed
VF-502. Medical Negligence—Informed Consent—Defense of Emergency
VF-503–VF-599. Reserved for Future Use

SERIES 600 PROFESSIONAL NEGLIGENCE

600. Standard of Care
601. Damages for Negligent Handling of Legal Matter
602. Success Not Required
603. Alternative Legal Decisions or Strategies
604. Referral to Legal Specialist
605. Breach of Fiduciary Duty—Essential Factual Elements
606–609. Reserved for Future Use
610. Affirmative Defense—Statute of Limitations—Attorney Malpractice—One-Year Limit (Code Civ. Proc., § 340.6)
611. Affirmative Defense—Statute of Limitations—Attorney Malpractice—Four-Year Limit (Code Civ. Proc., § 340.6)
612–699. Reserved for Future Use

SERIES 700 MOTOR VEHICLES AND HIGHWAY SAFETY

- 700. Basic Standard of Care
- 701. Definition of Right-of-Way
- 702. Waiver of Right-of-Way
- 703. Definition of “Immediate Hazard”
- 704. Left Turns (Veh. Code, § 21801)
- 705. Turning (Veh. Code, § 22107)
- 706. Basic Speed Law (Veh. Code, § 22350)
- 707. Speed Limit (Veh. Code, § 22352)
- 708. Maximum Speed Limit (Veh. Code, §§ 22349, 22356)
- 709. Driving Under the Influence (Veh. Code, §§ 23152, 23153)
- 710. Duties of Care for Pedestrians and Drivers
- 711. The Passenger’s Duty of Care for Own Safety
- 712. Failure to Wear a Seatbelt
- 713–719. Reserved for Future Use
- 720. Motor Vehicle Owner Liability—Permissive Use of Vehicle
- 721. Motor Vehicle Owner Liability—Affirmative Defense—Use Beyond Scope of Permission
- 722. Adult’s Liability for Minor’s Permissive Use of Motor Vehicle
- 723. Liability of Cosigner of Minor’s Application for Driver’s License
- 724. Negligent Entrustment of Motor Vehicle
- 725–729. Reserved for Future Use
- 730. Emergency Vehicle Exemption (Veh. Code, § 21055)
- 731. Definition of “Emergency” (Veh. Code, § 21055)
- 732–799. Reserved for Future Use
- VF-700. Motor Vehicle Owner Liability—Permissive Use of Vehicle
- VF-701. Motor Vehicle Owner Liability—Permissive Use of Vehicle—Affirmative Defense—Use Beyond Scope of Permission
- VF-702. Adult’s Liability for Minor’s Permissive Use of Motor Vehicle
- VF-703. Liability of Cosigner of Minor’s Application for Driver’s License
- VF-704. Negligent Entrustment of Motor Vehicle
- VF-705–VF-799. Reserved for Future Use

SERIES 800 RAILROAD CROSSINGS

- 800. Basic Standard of Care for Railroads
- 801. Duty to Comply With Safety Regulations
- 802. Reserved for Future Use
- 803. Regulating Speed

- 804. Lookout for Crossing Traffic
- 805. Installing Warning Systems
- 806. Contributory Negligence—Duty to Approach Crossing With Care
- 807–899. Reserved for Future Use

SERIES 900 COMMON CARRIERS

- 900. Introductory Instruction
- 901. Status of Common Carrier Disputed
- 902. Duty of Common Carrier
- 903. Duty to Provide and Maintain Safe Equipment
- 904. Duty of Common Carrier Toward Disabled/Infirm Passengers
- 905. Duty of Common Carrier Toward Minor Passengers
- 906. Duty of Passenger for Own Safety
- 907. Status of Passenger Disputed
- 908. Duty to Protect Passengers From Assault
- 909–999. Reserved for Future Use

SERIES 1000 PREMISES LIABILITY

- 1000. Essential Factual Elements
- 1001. Basic Duty of Care
- 1002. Extent of Control Over Premises Area
- 1003. Unsafe Concealed Conditions
- 1004. Obviously Unsafe Conditions
- 1005. Business Proprietor's Liability for the Negligent/Intentional/Criminal Conduct of Others
- 1006. Landlord's Duty
- 1007. Sidewalk Abutting Property
- 1008. Liability for Adjacent Altered Sidewalk—Essential Factual Elements
- 1009A. Liability to Employees of Independent Contractors for Unsafe Concealed Conditions
- 1009B. Liability to Employees of Independent Contractors for Unsafe Conditions—Retained Control or Defective Equipment
- 1010. Recreation Immunity (Civ. Code, § 846)
- 1011. Constructive Notice Regarding Dangerous Conditions on Property
- 1012. Knowledge of Employee Imputed to Owner
- 1013–1099. Reserved for Future Use
- VF-1000. Premises Liability—Comparative Negligence of Others Not at Issue
- VF-1001. Premises Liability—Affirmative Defense of Recreation Immunity
- VF-1002. Premises Liability—Contributory Negligence of Plaintiff at Issue

VF-1003–VF-1099. Reserved for Future Use

SERIES 1100 DANGEROUS CONDITION OF PUBLIC PROPERTY

- 1100. Essential Factual Elements (Gov. Code, § 835)
- 1101. Control
- 1102. Definition of “Dangerous Condition” (Gov. Code, § 830(a))
- 1103. Notice (Gov. Code, § 835.2)
- 1104. Inspection System (Gov. Code, § 835.2(b)(1) & (2))
- 1105–1109. Reserved for Future Use
- 1110. Affirmative Defense—Natural Conditions (Gov. Code, § 831.2)
- 1111. Affirmative Defense—Condition Created by Reasonable Act or Omission (Gov. Code, § 835.4(a))
- 1112. Affirmative Defense—Reasonable Act or Omission to Correct (Gov. Code, § 835.4(b))
- 1113–1119. Reserved for Future Use
- 1120. Failure to Provide Traffic Control Signals (Gov. Code, § 830.4)
- 1121. Failure to Provide Traffic Warning Signals, Signs, or Markings (Gov. Code, § 830.8)
- 1122. Affirmative Defense—Weather Conditions Affecting Streets and Highways (Gov. Code, § 831)
- 1123. Loss of Design Immunity (*Cornette*)
- 1124–1199. Reserved for Future Use
- VF-1100. Dangerous Condition of Public Property
- VF-1101. Dangerous Condition of Public Property—Affirmative Defense of Reasonable Act or Omission (Gov. Code, § 835.4)
- VF-1102–VF-1199. Reserved for Future Use

SERIES 1200 PRODUCTS LIABILITY

- 1200. Strict Liability—Essential Factual Elements
- 1201. Strict Liability—Manufacturing Defect—Essential Factual Elements
- 1202. Strict Liability—“Manufacturing Defect”—Explained
- 1203. Strict Liability—Design Defect—Consumer Expectation Test—Essential Factual Elements
- 1204. Strict Liability—Design Defect—Risk-Benefit Test—Essential Factual Elements—Shifting Burden of Proof
- 1205. Strict Liability—Failure to Warn—Essential Factual Elements
- 1206. Strict Liability—Failure to Warn—Products Containing Allergens (Not Prescription Drugs)—Essential Factual Elements
- 1207. Strict Liability—Comparative Fault—Contributory Negligence

1208–1219. Reserved for Future Use

1220. Negligence—Essential Factual Elements

1221. Negligence—Basic Standard of Care

1222. Negligence—Manufacturer or Supplier—Duty to Warn—Essential Factual Elements

1223. Negligence—Recall/Retrofit

1224. Negligence—Negligence for Product Rental/Standard of Care

1225–1229. Reserved for Future Use

1230. Express Warranty—Essential Factual Elements

1231. Implied Warranty of Merchantability—Essential Factual Elements

1232. Implied Warranty of Fitness for a Particular Purpose—Essential Factual Elements

1233. Implied Warranty of Merchantability for Food—Essential Factual Elements

1234–1239. Reserved for Future Use

1240. Affirmative Defense to Express Warranty—Not “Basis of Bargain”

1241. Affirmative Defense—Exclusion or Modification of Express Warranty

1242. Affirmative Defense—Exclusion of Implied Warranties

1243. Notification/Reasonable Time

1244–1299. Reserved for Future Use

VF-1200. Strict Products Liability—Manufacturing Defect—Comparative Negligence at Issue

VF-1201. Strict Products Liability—Design Defect—Consumer Expectation Test

VF-1202. Strict Products Liability—Design Defect—Risk-Benefit Test

VF-1203. Strict Products Liability—Failure to Warn

VF-1204. Products Liability—Negligence—Plaintiff’s Contributory Negligence at Issue

VF-1205. Products Liability—Negligent Failure to Warn

VF-1206. Products Liability—Express Warranty—Affirmative Defense—Not “Basis of Bargain”

VF-1207. Products Liability—Implied Warranty of Merchantability—Affirmative Defense—Exclusion of Implied Warranties

VF-1208. Products Liability—Implied Warranty of Fitness for a Particular Purpose

VF-1209–VF-1299. Reserved for Future Use

SERIES 1300 ASSAULT AND BATTERY

1300. Battery—Essential Factual Elements

1301. Assault—Essential Factual Elements

1302. Consent Explained

1303. Invalid Consent

1304. Self-Defense/Defense of Others
1305. Battery by Peace Officer
1306–1319. Reserved for Future Use
1320. Intent
1321–1399. Reserved for Future Use
VF-1300. Battery
VF-1301. Battery—Self-Defense/Defense of Others at Issue
VF-1302. Assault
VF-1303. Battery by Peace Officer
VF-1304–VF-1399. Reserved for Future Use

SERIES 1400 FALSE IMPRISONMENT

1400. Essential Factual Elements—No Arrest Involved
1401. Essential Factual Elements—False Arrest Without Warrant by Peace Officer
1402. False Arrest Without Warrant—Affirmative Defense—Peace Officer—
Probable Cause to Arrest
1403. Essential Factual Elements—False Arrest Without Warrant by Private Citizen
1404. False Arrest Without Warrant—Affirmative Defense—Private Citizen—
Probable Cause to Arrest
1405. Essential Factual Elements—False Arrest With Warrant
1406. False Arrest With Warrant—Peace Officer—Affirmative Defense—“Good-
Faith” Exception
1407. Essential Factual Elements—Unnecessary Delay in Processing/Releasing
1408. Affirmative Defense—Police Officer’s Lawful Authority to Detain
1409. Common Law Right to Detain for Investigation
1410–1499. Reserved for Future Use
VF-1400. False Imprisonment—No Arrest Involved
VF-1401. False Imprisonment—No Arrest Involved—Affirmative Defense—Right
to Detain for Investigation
VF-1402. False Arrest Without Warrant
VF-1403. False Arrest Without Warrant by Peace Officer—Affirmative Defense—
Probable Cause to Arrest
VF-1404. False Arrest Without Warrant by Private Citizen—Affirmative Defense—
Probable Cause to Arrest
VF-1405. False Arrest With Warrant
VF-1406. False Arrest With Warrant—Peace Officer—Affirmative Defense—
“Good-Faith” Exception
VF-1407. False Imprisonment—Unnecessary Delay in Processing/Releasing
VF-1408–VF-1499. Reserved for Future Use

SERIES 1500 MALICIOUS PROSECUTION

- 1500. Former Criminal Proceeding
- 1501. Wrongful Use of Civil Proceedings
- 1502. Wrongful Use of Administrative Proceedings
- 1503. Reasonable Grounds
- 1504. Favorable Termination
- 1505. Affirmative Defense—Reliance on Counsel
- 1506. Public Entities and Employees (Gov. Code, § 821.6)
- 1507–1519. Reserved for Future Use
- 1520. Abuse of Process—Essential Factual Elements
- 1521–1599. Reserved for Future Use
- VF-1500. Malicious Prosecution—Former Criminal Proceeding
- VF-1501. Malicious Prosecution—Wrongful Use of Civil Proceedings
- VF-1502. Malicious Prosecution—Wrongful Use of Civil Proceedings—Affirmative Defense of Reliance on Counsel
- VF-1503. Malicious Prosecution—Wrongful Use of Administrative Proceedings
- VF-1504. Abuse of Process
- VF-1505–VF-1599. Reserved for Future Use

SERIES 1600 EMOTIONAL DISTRESS

- 1600. Intentional Infliction of Emotional Distress—Essential Factual Elements
- 1601. Intentional Infliction of Emotional Distress—Fear of Cancer, HIV, or AIDS
- 1602. Intentional Infliction of Emotional Distress—“Outrageous Conduct” Defined
- 1603. Intentional Infliction of Emotional Distress—“Reckless Disregard” Defined
- 1604. Intentional Infliction of Emotional Distress—“Severe Emotional Distress” Defined
- 1605. Intentional Infliction of Emotional Distress—Affirmative Defense—Privileged Conduct
- 1606–1619. Reserved for Future Use
- 1620. Negligent Infliction of Emotional Distress—Direct Victim—Essential Factual Elements
- 1621. Negligent Infliction of Emotional Distress—Bystander—Essential Factual Elements
- 1622. Negligent Infliction of Emotional Distress—Fear of Cancer, HIV, or AIDS
- 1623. Negligent Infliction of Emotional Distress—Fear of Cancer, HIV, or AIDS—Malicious, Oppressive, or Fraudulent Conduct
- 1624–1699. Reserved for Future Use
- VF-1600. Intentional Infliction of Emotional Distress

- VF-1601. Intentional Infliction of Emotional Distress—Affirmative Defense of Privileged Conduct
- VF-1602. Intentional Infliction of Emotional Distress—Fear of Cancer, HIV, or AIDS
- VF-1603. Negligent Infliction of Emotional Distress—Direct Victim
- VF-1604. Negligent Infliction of Emotional Distress—Bystander
- VF-1605. Negligent Infliction of Emotional Distress—Fear of Cancer, HIV, or AIDS
- VF-1606. Negligent Infliction of Emotional Distress—Fear of Cancer, HIV, or AIDS—Malicious, Oppressive, or Fraudulent Conduct
- VF-1607–VF-1699. Reserved for Future Use

SERIES 1700 DEFAMATION

- 1700. Defamation per se—Essential Factual Elements (Public Officer/Figure and Limited Public Figure)
- 1701. Defamation per quod—Essential Factual Elements (Public Officer/Figure and Limited Public Figure)
- 1702. Defamation per se—Essential Factual Elements (Private Figure—Matter of Public Concern)
- 1703. Defamation per quod—Essential Factual Elements (Private Figure—Matter of Public Concern)
- 1704. Defamation per se—Essential Factual Elements (Private Figure—Matter of Private Concern)
- 1705. Defamation per quod—Essential Factual Elements (Private Figure—Matter of Private Concern)
- 1706. Definition of Statement
- 1707. Fact Versus Opinion
- 1708. Coerced Self-Publication
- 1709–1719. Reserved for Future Use
- 1720. Defense of the Truth
- 1721. Defense of Consent
- 1722. Retraction: Newspaper or Broadcast (Civ. Code, § 48a)
- 1723. Qualified Privilege (Civ. Code, § 47(c))
- 1724–1799. Reserved for Future Use
- VF-1700. Defamation per se (Public Officer/Figure and Limited Public Figure)
- VF-1701. Defamation per quod (Public Officer/Figure and Limited Public Figure)
- VF-1702. Defamation per se (Private Figure—Matter of Public Concern)
- VF-1703. Defamation per quod (Private Figure—Matter of Public Concern)
- VF-1704. Defamation per se—Affirmative Defense of the Truth (Private Figure—Matter of Private Concern)

VF-1705. Defamation per quod (Private Figure—Matter of Private Concern)

VF-1706–VF-1799. Reserved for Future Use

Table A Defamation Per Se

Table B Defamation Per Quod

SERIES 1800 RIGHT OF PRIVACY

1800. Intrusion Into Private Affairs

1801. Public Disclosure of Private Facts

1802. False Light

1803. Appropriation of Name or Likeness

1804. Use of Name or Likeness (Civ. Code, §§ 3344, 3344.1)

1805. First Amendment Defense to Use or Appropriation of Name or Likeness
(*Comedy III*)

1806. Constitutional Right of Privacy

1807. Affirmative Defense to Constitutional Right

1808. Stalking (Civ. Code, § 1708.7)

1809. Recording of Confidential Information (Pen. Code, §§ 632, 637.2)

1810–1819. Reserved for Future Use

1820. Damages

1821. Damages Under Civil Code Section 3344

1822–1899. Reserved for Future Use

VF-1800. Privacy—Intrusion Into Private Affairs

VF-1801. Privacy—Public Disclosure of Private Facts

VF-1802. Privacy—False Light

VF-1803. Privacy—Appropriation of Name or Likeness

VF-1804. Privacy—Use of Name or Likeness (Civ. Code, §§ 3344, 3344.1)

VF-1805. Privacy—Constitutional Right of Privacy

VF-1806. Privacy—Constitutional Right of Privacy—Affirmative Defense

VF-1807. Privacy—Recording of Confidential Information (Pen. Code, §§ 632,
637.2)

VF-1808–VF-1899. Reserved for Future Use

SERIES 1900 FRAUD OR DECEIT

1900. Intentional Misrepresentation

1901. Concealment

1902. False Promise

1903. Negligent Misrepresentation

1904. Opinions as Statements of Fact

1905. Definition of Important Fact/Promise

1906. Misrepresentations Made to Persons Other Than the Plaintiff
1907. Reliance
1908. Reasonable Reliance
1909–1919. Reserved for Future Use
1920. Buyer’s Damages for Purchase or Acquisition of Property
1921. Buyer’s Damages for Purchase or Acquisition of Property—Lost Profits
1922. Seller’s Damages for Sale or Exchange of Property
1923. Damages—“Out of Pocket” Rule
1924. Damages—Benefit-of-the-Bargain Rule
1925–1999. Reserved for Future Use
VF-1900. Intentional Misrepresentation
VF-1901. Concealment
VF-1902. False Promise
VF-1903. Negligent Misrepresentation
VF-1904–VF-1999. Reserved for Future Use

SERIES 2000 TRESPASS

2000. Trespass
2001. Trespass—Extrahazardous Activities
2002. Trespass to Timber (Civ. Code, § 3346; Code Civ. Proc., § 733)
2003. Treble Damages—Timber
2004. Intentional Entry Explained
2005. Defense of Necessity
2006–2019. Reserved for Future Use
2020. Public Nuisance—Essential Factual Elements
2021. Private Nuisance—Essential Factual Elements
2022–2099. Reserved for Future Use
VF-2000. Trespass
VF-2001. Trespass—Affirmative Defense of Necessity
VF-2002. Trespass—Extrahazardous Activities
VF-2003. Trespass to Timber (Civ. Code, § 3346; Code Civ. Proc., § 733)
VF-2004. Trespass to Timber (Civ. Code, § 3346; Code Civ. Proc., § 733)—
Treble Damages Sought
VF-2005. Public Nuisance
VF-2006. Private Nuisance
VF-2007–VF-2099. Reserved for Future Use

SERIES 2100 CONVERSION

2100. Conversion—Essential Factual Elements

2101. Trespass to Chattels—Essential Factual Elements
2102. Presumed Measure of Damages for Conversion (Civ. Code, § 3336)
2103–2199. Reserved for Future Use
VF-2100. Conversion
VF-2101–VF-2199. Reserved for Future Use

SERIES 2200 ECONOMIC INTERFERENCE

2200. Inducing Breach of Contract
2201. Intentional Interference With Contractual Relations
2202. Intentional Interference With Prospective Economic Relations
2203. Intent
2204. Negligent Interference With Prospective Economic Relations
2205–2299. Reserved for Future Use
VF-2200. Inducing Breach of Contract
VF-2201. Intentional Interference With Contractual Relations
VF-2202. Intentional Interference With Prospective Economic Relations
VF-2203. Negligent Interference With Prospective Economic Relations
VF-2204–VF-2299. Reserved for Future Use

SERIES 2300 INSURANCE LITIGATION

2300. Breach of Contractual Duty to Pay a Covered Claim—Essential Factual Elements
2301. Breach of Insurance Binder—Essential Factual Elements
2302. Breach of Contract for Temporary Life Insurance—Essential Factual Elements
2303. Insurance Policy Exclusion—Burden of Proof
2304. Exception to Insurance Policy Exclusion—Burden of Proof
2305. Lost or Destroyed Insurance Policy
2306. Covered and Excluded Risks—Predominant Cause of Loss
2307. Insurance Agency Relationship Disputed
2308. Rescission for Misrepresentation or Concealment in Insurance Application—Essential Factual Elements
2309. Termination of Insurance Policy for Fraudulent Claim
2310–2319. Reserved for Future Use
2320. Affirmative Defense—Failure to Provide Timely Notice
2321. Affirmative Defense—Insured’s Breach of Duty to Cooperate in Defense
2322. Affirmative Defense—Insured’s Voluntary Payment
2323–2329. Reserved for Future Use
2330. Implied Obligation of Good Faith and Fair Dealing Explained

- 2331. Breach of the Implied Obligation of Good Faith and Fair Dealing—Failure or Delay in Payment—Essential Factual Elements
- 2332. Bad Faith (First Party)—Failure to Properly Investigate Claim—Essential Factual Elements
- 2333. Bad Faith (First Party)—Breach of Duty to Inform Insured of Rights—Essential Factual Elements
- 2334. Bad Faith—Unreasonable Refusal to Settle Within Liability Policy Limits—Essential Factual Elements
- 2335. Bad Faith—Advice of Counsel
- 2336. Bad Faith—Unreasonable Failure to Defend—Essential Factual Elements
- 2337–2349. Reserved for Future Use
- 2350. Damages for Bad Faith
- 2351–2359. Reserved for Future Use
- 2360. Judgment Creditor’s Action Against Insurer—Essential Factual Elements
- 2361. Negligent Failure to Obtain Insurance Coverage—Essential Factual Elements
- 2362–2399. Reserved for Future Use
- VF-2300. Breach of Contractual Duty to Pay a Covered Claim
- VF-2301. Breach of the Implied Obligation of Good Faith and Fair Dealing—Failure or Delay in Payment
- VF-2302. Bad Faith (First Party)—Failure to Properly Investigate Claim
- VF-2303. Bad Faith (First Party)—Breach of Duty to Inform Insured of Rights
- VF-2304–VF-2399. Reserved for Future Use

Volume 2

SERIES 2400 WRONGFUL TERMINATION

- 2400. Breach of Employment Contract—Unspecified Term—“At-Will” Presumption
- 2401. Breach of Employment Contract—Unspecified Term—Essential Factual Elements
- 2402. Breach of Employment Contract—Unspecified Term—Constructive Discharge—Essential Factual Elements
- 2403. Breach of Employment Contract—Unspecified Term—Implied-in-Fact Promise Not to Discharge Without Good Cause
- 2404. Breach of Employment Contract—Unspecified Term—“Good Cause” Defined
- 2405. Breach of Implied Employment Contract—Unspecified Term—“Good Cause” Defined—Misconduct
- 2406. Breach of Employment Contract—Unspecified Term—Damages
- 2407. Employee’s Duty to Mitigate Damages

2408–2419. Reserved for Future Use

2420. Breach of Employment Contract—Specified Term—Essential Factual Elements

2421. Breach of Employment Contract—Specified Term—Good Cause Defense

2422. Breach of Employment Contract—Specified Term—Damages

2423. Breach of the Implied Covenant of Good Faith and Fair Dealing—Essential Factual Elements

2424. Breach of the Implied Covenant of Good Faith and Fair Dealing—Good Faith Mistaken Belief Defense

2425–2429. Reserved for Future Use

2430. Wrongful Discharge/Demotion in Violation of Public Policy—Essential Factual Elements

2431. Constructive Discharge in Violation of Public Policy—Plaintiff Required to Violate Public Policy

2432. Constructive Discharge in Violation of Public Policy—Plaintiff Required to Endure Intolerable Conditions for Improper Purpose that Violates Public Policy

2433. Wrongful Discharge in Violation of Public Policy—Damages

2434–2499. Reserved for Future Use

VF-2400. Breach of Employment Contract—Unspecified Term

VF-2401. Breach of Employment Contract—Unspecified Term—Constructive Discharge

VF-2402. Breach of Employment Contract—Specified Term

VF-2403. Breach of Employment Contract—Specified Term—Good Cause Defense

VF-2404. Employment—Breach of the Implied Covenant of Good Faith and Fair Dealing

VF-2405. Breach of the Implied Covenant of Good Faith and Fair Dealing—Affirmative Defense—Good Faith Mistaken Belief

VF-2406. Wrongful Discharge/Demotion in Violation of Public Policy

VF-2407. Constructive Discharge in Violation of Public Policy—Plaintiff Required to Violate Public Policy

VF-2408. Constructive Discharge in Violation of Public Policy—Plaintiff Required to Endure Intolerable Conditions For Improper Purpose that Violates Public Policy

VF-2409–VF-2499. Reserved for Future Use

SERIES 2500 FAIR EMPLOYMENT AND HOUSING ACT

2500. Disparate Treatment—Essential Factual Elements (Gov. Code, § 12940(a))

2501. Affirmative Defense—Bona fide Occupational Qualification

2502. Disparate Impact—Essential Factual Elements (Gov. Code, § 12940(a))

- 2503. Affirmative Defense—Business Necessity/Job Relatedness
- 2504. Disparate Impact—Rebuttal to Business Necessity/Job Relatedness Defense
- 2505. Retaliation (Gov. Code, § 12940(h))
- 2506. Affirmative Defense—After-Acquired Evidence
- 2507–2519. Reserved for Future Use
- 2520. Quid pro quo Sexual Harassment—Essential Factual Elements
- 2521. Hostile Work Environment Harassment—Essential Factual Elements—
Employer or Entity Defendant (Gov. Code, § 12940(j))
- 2522. Hostile Work Environment Harassment—Essential Factual Elements—
Individual Defendant (Gov. Code, § 12940(j))
- 2523. “Harassing Conduct” Explained
- 2524. “Hostile Work Environment” Explained
- 2525. Harassment—“Supervisor” Defined
- 2526. Affirmative Defense—Avoidable Consequences Doctrine (Sexual Harassment
by a Supervisor)
- 2527. Failure to Prevent Harassment, Discrimination, or Retaliation—Essential
Factual Elements—Employer or Entity Defendant (Gov. Code, § 12940(k))
- 2528–2539. Reserved for Future Use
- 2540. Disability Discrimination—Disparate Treatment—Essential Factual Elements
- 2541. Disability Discrimination—Reasonable Accommodation—Essential Factual
Elements (Gov. Code, § 12940(m))
- 2542. Disability Discrimination—“Reasonable Accommodation” Explained
- 2543. Disability Discrimination—Affirmative Defense—Inability to Perform
Essential Job Duties
- 2544. Disability Discrimination—Affirmative Defense—Health or Safety Risk
- 2545. Disability Discrimination—Affirmative Defense—Undue Hardship
- 2546–2559. Reserved for Future Use
- 2560. Religious Creed Discrimination—Failure to Accommodate—Essential Factual
Elements (Gov. Code, § 12940(l))
- 2561. Religious Creed Discrimination—Reasonable Accommodation—Affirmative
Defense—Undue Hardship
- 2562–2599. Reserved for Future Use
- VF-2500. Disparate Treatment (Gov. Code, § 12940(a))
- VF-2501. Disparate Treatment (Gov. Code, § 12940(a))—Affirmative Defense—
Bona fide Occupational Qualification
- VF-2502. Disparate Impact (Gov. Code, § 12940(a))
- VF-2503. Disparate Impact (Gov. Code, § 12940(a))—Affirmative Defense—
Business Necessity/Job Relatedness—Rebuttal to Business Necessity/Job
Relatedness Defense
- VF-2504. Retaliation (Gov. Code, § 12940(h))

- VF-2505. Quid pro quo Sexual Harassment
- VF-2506. Hostile Work Environment Harassment—Employer or Entity Defendant (Gov. Code, § 12940(j))
- VF-2507. Hostile Work Environment Harassment—Individual Defendant (Gov. Code, § 12940(j))
- VF-2508. Disability Discrimination—Disparate Treatment
- VF-2509. Disability Discrimination—Reasonable Accommodation (Gov. Code, § 12940(m))
- VF-2510. Disability Discrimination—Reasonable Accommodation (Gov. Code, § 12940(m))—Affirmative Defense—Undue Hardship
- VF-2511. Religious Creed Discrimination—Failure to Accommodate (Gov. Code, § 12940(l))
- VF-2512. Religious Creed Discrimination—Failure to Accommodate (Gov. Code, § 12940(l))—Affirmative Defense—Undue Hardship
- VF-2513–VF-2599. Reserved for Future Use

SERIES 2600 CALIFORNIA FAMILY RIGHTS ACT

- 2600. Violation of CFRA Rights—Essential Factual Elements
- 2601. Eligibility
- 2602. Reasonable Notice of CFRA Leave
- 2603. “Comparable Job” Explained
- 2604–2609. Reserved for Future Use
- 2610. Affirmative Defense—No Certification from Health-Care Provider
- 2611. Affirmative Defense—Fitness for Duty Statement
- 2612. Affirmative Defense—Employment Would Have Ceased
- 2613. Affirmative Defense—Key Employee
- 2614–2619. Reserved for Future Use
- 2620. CFRA Rights Retaliation—Essential Factual Elements
- 2621–2699. Reserved for Future Use
- VF-2600. Violation of CFRA Rights
- VF-2601. Violation of CFRA Rights—Affirmative Defense—Employment Would Have Ceased
- VF-2602. CFRA Rights Retaliation
- VF-2603–VF-2699. Reserved for Future Use

SERIES 2700 LABOR CODE ACTIONS

- 2700. Nonpayment of Wages—Essential Factual Elements (Lab. Code, §§ 201, 202, 218)
- 2701. Nonpayment of Minimum Wage—Essential Factual Elements (Lab. Code, § 1194)

2702. Nonpayment of Overtime Compensation—Essential Factual Elements (Lab. Code, § 1194)
2703. Nonpayment of Overtime Compensation—Proof of Overtime Hours Worked
2704. Damages—Waiting-Time Penalty for Nonpayment of Wages (Lab. Code, §§ 203, 218)
- 2705–2709. Reserved for Future Use
2710. Solicitation of Employee by Misrepresentation—Essential Factual Elements (Lab. Code, § 970)
2711. Preventing Subsequent Employment by Misrepresentation—Essential Factual Elements (Lab. Code, § 1050)
- 2712–2799. Reserved for Future Use
- VF-2700. Nonpayment of Wages (Lab. Code, §§ 201, 202, 218)
- VF-2701. Nonpayment of Minimum Wage (Lab. Code, § 1194)
- VF-2702. Nonpayment of Overtime Compensation (Lab. Code, § 1194)
- VF-2703. Waiting-Time Penalty for Nonpayment of Wages (Lab. Code, §§ 203, 218)
- VF-2704. Solicitation of Employee by Misrepresentation (Lab. Code, § 970)
- VF-2705. Preventing Subsequent Employment by Misrepresentation (Lab. Code, § 1050)
- VF-2706–VF-2799. Reserved for Future Use

SERIES 2800 WORKERS' COMPENSATION

2800. Employer's Affirmative Defense—Injury Covered by Workers' Compensation
2801. Employer's Willful Physical Assault (Lab. Code, § 3602(b)(1))—Essential Factual Elements
2802. Fraudulent Concealment of Injury (Lab. Code, § 3602(b)(2))—Essential Factual Elements
2803. Employer's Defective Product (Lab. Code, § 3602(b)(3))—Essential Factual Elements
2804. Removal or Noninstallation of Power Press Guards (Lab. Code, § 4558)—Essential Factual Elements
- 2805–2809. Reserved for Future Use
2810. Co-Employee's Affirmative Defense—Injury Covered by Workers' Compensation
2811. Co-Employee's Willful and Unprovoked Physical Act of Aggression (Lab. Code, § 3601(a)(1))—Essential Factual Elements
2812. Injury Caused by Co-Employee's Intoxication (Lab. Code, § 3601(a)(2))—Essential Factual Elements
- 2813–2899. Reserved for Future Use
- VF-2800. Employer's Willful Physical Assault (Lab. Code, § 3602(b)(1))

VF-2801. Fraudulent Concealment of Injury (Lab. Code, § 3602(b)(2))
VF-2802. Employer's Defective Product (Lab. Code, § 3602(b)(3))
VF-2803. Removal or Noninstallation of Power Press Guards (Lab. Code, § 4558)
VF-2804. Co-Employee's Willful and Unprovoked Physical Act of Aggression
(Lab. Code, § 3601(a)(1))
VF-2805. Injury Caused by Co-Employee's Intoxication (Lab. Code, § 3601(a)(2))
VF-2806–VF-2899. Reserved for Future Use

SERIES 2900 FEDERAL EMPLOYERS' LIABILITY ACT

2900. Essential Factual Elements
2901. Negligence—Duty of Railroad
2902. Negligence—Assignment of Employees
2903. Causation—Negligence
2904. Contributory Negligence
2905. Compliance With Employer's Requests or Directions
2906–2919. Reserved for Future Use
2920. Essential Factual Elements—Federal Safety Appliance Act or Boiler
Inspection Act
2921. Causation Under FSAA or BIA
2922. Statute of Limitations—Special Verdict Form or Interrogatory
2923. Borrowed Servant/Dual Employee
2924. Status as Defendant's Employee—Subservant Company
2925. Status of Defendant as Common Carrier
2926. Scope of Employment
2927–2939. Reserved for Future Use
2940. Income Tax Effects of Award
2941. Introduction to Damages for Personal Injury
2942. Damages for Death of Employee
2943–2999. Reserved for Future Use
VF-2900. FELA—Negligence—Plaintiff's Negligence at Issue
VF-2901. Federal Safety Appliance Act or Boiler Inspection Act
VF-2902–VF-2999. Reserved for Future Use

SERIES 3000 CIVIL RIGHTS

3000. Violation of Federal Civil Rights (42 U.S.C. § 1983) In General—Essential
Factual Elements
3001. Excessive Use of Force—Unreasonable Arrest or Other Seizure—Essential
Factual Elements (42 U.S.C. § 1983)

- 3002. Unreasonable Search—Search With a Warrant—Essential Factual Elements (42 U.S.C. § 1983)
- 3003. Unreasonable Search—Search Without a Warrant—Essential Factual Elements (42 U.S.C. § 1983)
- 3004. Affirmative Defense—Search Incident to Lawful Arrest
- 3005. Affirmative Defense—Consent to Search
- 3006. Affirmative Defense—Exigent Circumstances
- 3007. Municipal Liability (42 U.S.C. § 1983)
- 3008. “Official Policy” Explained (42 U.S.C. § 1983)
- 3009. Public Entity Liability—Failure to Train (42 U.S.C. § 1983)—Essential Factual Elements
- 3010. Violation of Prisoner’s Federal Civil Rights (42 U.S.C. § 1983)—Eighth Amendment—Excessive Force
- 3011. Violation of Prisoner’s Federal Civil Rights (42 U.S.C. § 1983)—Eighth Amendment—General Conditions of Confinement Claim
- 3012. Violation of Prisoner’s Federal Civil Rights (42 U.S.C. § 1983)—Eighth Amendment—Medical Care
- 3013. Supervisor Liability (42 U.S.C. § 1983)
- 3014–3019. Reserved for Future Use
- 3020. Unruh Civil Rights Act (Civ. Code, §§ 51, 52)—Essential Factual Elements
- 3021. Unruh Civil Rights Act—Boycott, etc. (Civ. Code, § 51.5)—Essential Factual Elements
- 3022. Gender Price Discrimination (Civ. Code, § 51.6)—Essential Factual Elements
- 3023. Ralph Act (Civ. Code, § 51.7)—Essential Factual Elements
- 3024. Sexual Harassment in Defined Relationship (Civ. Code, § 51.9)—Essential Factual Elements
- 3025. Bane Act (Civ. Code, § 52.1)—Essential Factual Elements
- 3026. Unruh Civil Rights Act—Damages (Civ. Code, §§ 51, 51.5, 51.6)
- 3027. Unruh Civil Rights Act—Civil Penalty (Civ. Code, §§ 51.7, 51.9)
- 3028–3099. Reserved for Future Use
- VF-3000. Violation of Federal Civil Rights (42 U.S.C. § 1983)—In General
- VF-3001. Excessive Use of Force—Unreasonable Arrest or Other Seizure (42 U.S.C. § 1983)
- VF-3002. Unreasonable Search—Search With a Warrant (42 U.S.C. § 1983)
- VF-3003. Unreasonable Search—Search Without a Warrant (42 U.S.C. § 1983)
- VF-3004. Unreasonable Search—Search Without a Warrant (42 U.S.C. § 1983)
Affirmative Defense—Search Incident to Lawful Arrest
- VF-3005. Municipal Liability (42 U.S.C. § 1983)
- VF-3006. Public Entity Liability—Failure to Train (42 U.S.C. § 1983)

- VF-3007. Violation of Prisoner's Federal Civil Rights (42 U.S.C. § 1983)—Eighth Amendment—Excessive Force
- VF-3008. Violation of Prisoner's Federal Civil Rights (42 U.S.C. § 1983)—Eighth Amendment—General Conditions of Confinement Claim
- VF-3009. Violation of Prisoner's Federal Civil Rights (42 U.S.C. § 1983)—Eighth Amendment—Medical Care
- VF-3010. Unruh Civil Rights Act (Civ. Code, §§ 51, 52)
- VF-3011. Unruh Civil Rights Act—Boycott, etc. (Civ. Code, § 51.5)
- VF-3012. Gender Price Discrimination (Civ. Code, § 51.6)
- VF-3013. Ralph Act (Civ. Code, § 51.7)
- VF-3014. Sexual Harassment in Defined Relationship (Civ. Code, § 51.9)
- VF-3015. Bane Act (Civ. Code, § 52.1)
- VF-3016–VF-3099. Reserved for Future Use

SERIES 3100 ELDER ABUSE AND DEPENDENT ADULT CIVIL PROTECTION ACT

- 3100. Financial Abuse—Essential Factual Elements (Welf. & Inst. Code, § 15610.30)
- 3101. Financial Abuse—Enhanced Remedies Sought Against Individual/Employee Defendant (Welf. & Inst. Code, § 15657.5)
- 3102. Financial Abuse—Enhanced Remedies Sought—Employer Defendant (Welf. & Inst. Code, §§ 15657.5, 15610.30)
- 3103. Neglect—Essential Factual Elements (Welf. & Inst. Code, § 15610.57)
- 3104. Neglect—Essential Factual Elements—Enhanced Remedies Sought—Individual or Individual and Employer Defendants (Welf. & Inst. Code, §§ 15657, 15610.57)
- 3105. Neglect—Essential Factual Elements—Enhanced Remedies Sought—Employer Defendant (Welf. & Inst. Code, §§ 15657, 15610.57)
- 3106. Physical Abuse—Essential Factual Elements (Welf. & Inst. Code, § 15610.63)
- 3107. Physical Abuse—Essential Factual Elements—Enhanced Remedies Sought—Individual or Individual and Employer Defendants (Welf. & Inst. Code, §§ 15657, 15610.63)
- 3108. Physical Abuse—Essential Factual Elements—Enhanced Remedies Sought—Employer Defendant (Welf. & Inst. Code, §§ 15657, 15610.63)
- 3109. Abduction—Essential Factual Elements (Welf. & Inst. Code, § 15610.06)
- 3110. Abduction—Essential Factual Elements—Enhanced Remedies Sought—Individual or Individual and Employer Defendants (Welf. & Inst. Code, §§ 15657.05, 15610.06)
- 3111. Abduction—Essential Factual Elements—Enhanced Remedies Sought—Employer Defendant (Welf. & Inst. Code, §§ 15657.05, 15610.06)

- 3112. “Dependent Adult” Explained (Welf. & Inst. Code, § 15610.23)
- 3113. “Recklessness” Explained
- 3114. “Malice” Explained
- 3115. “Oppression” Explained
- 3116. “Fraud” Explained
- 3117–3199. Reserved for Future Use
- VF-3100. Financial Abuse—Individual/Employee Defendant—Enhanced Remedies Sought (Welf. & Inst. Code, §§ 15657.5, 15610.30)
- VF-3101. Financial Abuse—Employer Defendant (Welf. & Inst. Code, §§ 15657.5, 15610.30)
- VF-3102. Neglect—Individual or Individual and Employer Defendant (Welf. & Inst. Code, §§ 15657, 15610.57)
- VF-3103. Neglect—Employer Defendant (Welf. & Inst. Code, §§ 15657, 15610.57)
- VF-3104. Physical Abuse—Individual or Individual and Employer Defendant (Welf. & Inst. Code, §§ 15657, 15610.63)
- VF-3105. Physical Abuse—Employer Defendant (Welf. & Inst. Code, §§ 15657, 15610.63)
- VF-3106. Abduction—Individual or Individual and Employer Defendant (Welf. & Inst. Code, §§ 15657.05, 15610.06)
- VF-3107. Abduction—Employer Defendant (Welf. & Inst. Code, §§ 15657.05, 15610.06)
- VF-3108–VF-3199. Reserved for Future Use

SERIES 3200 SONG-BEVERLY CONSUMER WARRANTY ACT

- 3200. Failure to Purchase or Replace Consumer Good After Reasonable Number of Repair Opportunities—Essential Factual Elements (Civ. Code, § 1793.2(d))
- 3201. Failure to Promptly Purchase or Replace New Motor Vehicle After Reasonable Number of Repair Opportunities—Essential Factual Elements (Civ. Code, § 1793.2(d))
- 3202. “Repair Opportunities” Explained
- 3203. Reasonable Number of Repair Opportunities—Rebuttable Presumption (Civ. Code, § 1793.22(b))
- 3204. “Substantially Impaired” Explained
- 3205–3209. Reserved for Future Use
- 3210. Breach of Implied Warranty of Merchantability—Essential Factual Elements
- 3211. Breach of Implied Warranty of Fitness for a Particular Purpose—Essential Factual Elements
- 3212. Duration of Implied Warranty
- 3213–3219. Reserved for Future Use
- 3220. Affirmative Defense—Unauthorized or Unreasonable Use

3221. Affirmative Defense—Disclaimer of Implied Warranties
 3222–3229. Reserved for Future Use
 3230. Breach of Disclosure Obligations—Essential Factual Elements
 3231–3239. Reserved for Future Use
 3240. Reimbursement Damages—Consumer Goods
 3241. Restitution From Manufacturer—New Motor Vehicle
 3242. Incidental Damages
 3243. Consequential Damages
 3244. Civil Penalty—Willful Violation (Civ. Code, § 1794(c))
 3245–3299. Reserved for Future Use
 VF-3200. Violation of Civil Code Section 1793.2(d)—Consumer Goods
 VF-3201. Consequential Damages
 VF-3202. Violation of Civil Code Section 1793.2(d)—Consumer Goods—
 Affirmative Defense—Unauthorized or Unreasonable Use
 VF-3203. Breach of Express Warranty—New Motor Vehicle—Civil Penalty Sought
 VF-3204. Breach of Implied Warranty of Merchantability
 VF-3205. Breach of Implied Warranty of Merchantability—Affirmative Defense—
 Disclaimer of Implied Warranties
 VF-3206. Breach of Disclosure Obligations
 VF-3207–VF-3299. Reserved for Future Use

SERIES 3300 UNFAIR PRACTICES ACT

3300. Locality Discrimination—Essential Factual Elements
 3301. Below Cost Sales—Essential Factual Elements
 3302. Loss Leader Sales—Essential Factual Elements
 3303. Definition of “Cost”
 3304. Presumptions Concerning Costs—Manufacturer
 3305. Presumptions Concerning Costs—Distributor
 3306. Methods of Allocating Costs to an Individual Product
 3307–3319. Reserved for Future Use
 3320. Secret Rebates—Essential Factual Elements
 3321. Secret Rebates—Definition of “Secret”
 3322–3329. Reserved for Future Use
 3330. Affirmative Defense to Locality Discrimination Claim—Cost Justification
 3331. Affirmative Defense to Locality Discrimination, Below Cost Sales, and Loss
 Leader Sales Claims—Closed-out, Discontinued, Damaged, or Perishable
 Items
 3332. Affirmative Defense to Locality Discrimination, Below Cost Sales, Loss
 Leader Sales, and Secret Rebates—Functional Classifications

- 3333. Affirmative Defense to Locality Discrimination, Below Cost Sales, and Loss Leader Sales Claims—Meeting Competition
- 3334. Affirmative Defense to Locality Discrimination Claim—Manufacturer Meeting Downstream Competition
- 3335. Affirmative Defense—“Good Faith” Explained
- 3336–3399. Reserved for Future Use
- VF-3300. Locality Discrimination
- VF-3301. Locality Discrimination Claim—Affirmative Defense of Cost Justification
- VF-3302. Below Cost Sales
- VF-3303. Below Cost Sales Claim—Affirmative Defense—Closed-out, Discontinued, Damaged, or Perishable Items
- VF-3304. Loss Leader Sales
- VF-3305. Loss Leader Sales Claim—Affirmative Defense of Meeting Competition
- VF-3306. Secret Rebates
- VF-3307. Secret Rebates Claim—Affirmative Defense of Functional Classifications
- VF-3308–VF-3399. Reserved for Future Use

SERIES 3400 CARTWRIGHT ACT

- 3400. Horizontal and Vertical Restraints (Use for Direct Competitors)—Price Fixing—Essential Factual Elements
- 3401. Horizontal Restraints (Use for Direct Competitors)—Allocation of Trade or Commerce—Essential Factual Elements
- 3402. Horizontal Restraints—Dual Distributor Restraints—Essential Factual Elements
- 3403. Horizontal Restraints (Use for Direct Competitors)—Group Boycott—Per Se Violation—Essential Factual Elements
- 3404. Horizontal Restraints—Group Boycott—Rule of Reason—Essential Factual Elements
- 3405. Horizontal and Vertical Restraints (Use for Direct Competitors or Supplier/ Reseller Relations)—Other Unreasonable Restraint of Trade—Rule of Reason—Essential Factual Elements
- 3406. Horizontal and Vertical Restraints—“Agreement” Explained
- 3407. Horizontal and Vertical Restraints—Agreement Between Company and Its Employee
- 3408. Vertical Restraints—“Coercion” Explained
- 3409. Vertical Restraints—Termination of Reseller
- 3410. Vertical Restraints—Agreement Between Seller and Reseller’s Competitor
- 3411. Rule of Reason—Anticompetitive Versus Beneficial Effects
- 3412. Rule of Reason—“Market Power” Explained
- 3413. Rule of Reason—“Product Market” Explained

- 3414. Rule of Reason—"Geographic Market" Explained
- 3415–3419. Reserved for Future Use
- 3420. Tying—Real Estate, Products, or Services—Essential Factual Elements (Bus. & Prof. Code, § 16720)
- 3421. Tying—Products or Services—Essential Factual Elements (Bus. & Prof. Code, § 16727)
- 3422. Tying—"Separate Products" Explained
- 3423. Tying—"Economic Power" Explained
- 3424–3429. Reserved for Future Use
- 3430. "Noerr-Pennington" Doctrine
- 3431. Affirmative Defense—*In Pari Delicto*
- 3432–3439. Reserved for Future Use
- 3440. Damages
- 3441–3499. Reserved for Future Use
- VF-3400. Horizontal and Vertical Restraints (Use for Direct Competitors)—Price Fixing
- VF-3401. Horizontal Restraints (Use for Direct Competitors)—Allocation of Trade or Commerce
- VF-3402. Horizontal Restraints (Use for Direct Competitors)—Allocation of Trade or Commerce—Affirmative Defense—*In Pari Delicto*
- VF-3403. Horizontal Restraints—Dual Distributor Restraints
- VF-3404. Horizontal Restraints (Use for Direct Competitors)—Group Boycott—Per Se Violation
- VF-3405. Horizontal Restraints—Group Boycott—Rule of Reason
- VF-3406. Horizontal and Vertical Restraints (Use for Direct Competitors or Supplier/Reseller Relations)—Other Unreasonable Restraint of Trade—Rule of Reason
- VF-3407. Horizontal and Vertical Restraints (Use for Direct Competitors or Supplier/Reseller Relations)—Other Unreasonable Restraint of Trade—Rule of Reason Affirmative Defense—"Noerr-Pennington" Doctrine
- VF-3408. Tying—Real Estate, Products, or Services (Bus. & Prof. Code, § 16720)
- VF-3409. Tying—Products or Services (Bus. & Prof. Code, § 16727)
- VF-3410–VF-3499. Reserved for Future Use

SERIES 3500 EMINENT DOMAIN

- 3500. Introductory Instruction
- 3501. "Fair Market Value" Explained
- 3502. "Highest and Best Use" Explained
- 3503. Change in Zoning or Land Use Restriction
- 3504. Project Enhanced Value

3505. Information Discovered after Date of Valuation
3506. Effect of Improvements
3507. Personal Property and Inventory
3508. Bonus Value of Leasehold Interest
3509. Precondemnation Damages (*Klopping* Damages)
3510. Value of Easement
3511. Severance Damages
3512. Severance Damages—Offset for Benefits
3513. Goodwill
3514. Burden of Proof
3515. Valuation Testimony
3516. View
3517–3599. Reserved for Future Use
VF-3500. Fair Market Value Plus Goodwill
VF-3501. Fair Market Value Plus Severance Damages
VF-3502. Fair Market Value Plus Loss of Inventory/Personal Property
VF-3503–VF-3599. Reserved for Future Use

SERIES 3600 CONSPIRACY

3600. Conspiracy—Essential Factual Elements
3601. Ongoing Conspiracy
3602. Affirmative Defense—Agent and Employee Immunity Rule
3603–3699. Reserved for Future Use

SERIES 3700 VICARIOUS RESPONSIBILITY

3700. Introduction
3701. Tort Liability Asserted Against Principal—Essential Factual Elements
3702. Affirmative Defense of Plaintiff’s Agent’s Contributory Negligence
3703. Legal Relationship Not Disputed
3704. Existence of “Employee” Status Disputed
3705. Existence of “Agency” Relationship Disputed
3706. Special Employment—General Employer and/or Special Employer Denies Responsibility
3707. Special Employment—Joint Responsibility
3708. Peculiar-Risk Doctrine
3709. Ostensible Agent
3710. Ratification
3711. Partnerships

3712. Joint Ventures
3713. Nondelegable Duty
3714–3719. Reserved for Future Use
3720. Scope of Employment
3721. Scope of Employment—Peace Officer’s Misuse of Authority
3722. Scope of Employment—Unauthorized Acts
3723. Substantial Deviation
3724. Going-and-Coming Rule
3725. Vehicle-Use Exception
3726. Social or Recreational Activities
3727–3799. Reserved for Future Use
VF-3700. Negligence—Vicarious Liability
VF-3701–VF-3799. Reserved for Future Use

SERIES 3800 EQUITABLE INDEMNITY

3800. Comparative Fault Between and Among Tortfeasors
3801. Implied Contractual Indemnity
3802–3899. Reserved for Future Use

SERIES 3900 DAMAGES

3900. Introduction to Tort Damages—Liability Contested
3901. Introduction to Tort Damages—Liability Established
3902. Economic and Noneconomic Damages
3903. Items of Economic Damage
3903A. Medical Expenses—Past and Future (Economic Damage)
3903B. Medical Monitoring—Toxic Exposure (Economic Damage)
3903C. Past and Future Lost Earnings (Economic Damage)
3903D. Lost Earning Capacity (Economic Damage)
3903E. Loss of Ability to Provide Household Services (Economic Damage)
3903F. Damage to Real Property (Economic Damage)
3903G. Loss of Use of Real Property (Economic Damage)
3903H. Damage to Annual Crop (Economic Damage)
3903I. Damage to Perennial Crop (Economic Damage)
3903J. Damage to Personal Property (Economic Damage)
3903K. Loss or Destruction of Personal Property (Economic Damage)
3903L. Damage to Personal Property Having Special Value (Civ. Code, § 3355)
(Economic Damage)
3903M. Loss of Use of Personal Property (Economic Damage)

3903N. Lost Profits (Economic Damage)
3904. Present Cash Value
3905. Items of Noneconomic Damage
3905A. Physical Pain, Mental Suffering, and Emotional Distress (Noneconomic Damage)
3906–3919. Reserved for Future Use
3920. Loss of Consortium (Noneconomic Damage)
3921. Wrongful Death (Death of an Adult)
3922. Wrongful Death (Parents’ Recovery for Death of a Minor Child)
3923. Public Entities—Collateral Source Payments (Gov. Code, § 985)
3924. No Punitive Damages
3925. Arguments of Counsel Not Evidence of Damages
3926. Settlement Deduction
3927. Aggravation of Preexisting Condition or Disability
3928. Unusually Susceptible Plaintiff
3929. Subsequent Medical Treatment
3930. Mitigation of Damages (Personal Injury)
3931. Mitigation of Damages (Property Damage)
3932. Life Expectancy
3933–3939. Reserved for Future Use
3940. Punitive Damages—Individual Defendant—Trial Not Bifurcated
3941. Punitive Damages—Individual Defendant—Bifurcated Trial (First Phase)
3942. Punitive Damages—Individual Defendant—Bifurcated Trial (Second Phase)
3943. Punitive Damages Against Employer or Principal for Conduct of a Specific Agent or Employee—Trial Not Bifurcated
3944. Punitive Damages Against Employer or Principal for Conduct of a Specific Agent or Employee—Bifurcated Trial (First Phase)
3945. Punitive Damages—Entity Defendant—Trial Not Bifurcated
3946. Punitive Damages—Entity Defendant—Bifurcated Trial (First Phase)
3947. Punitive Damages—Individual and Entity Defendants—Trial Not Bifurcated
3948. Punitive Damages—Individual and Corporate Defendants (Corporate Liability Based on Acts of Named Individual)—Bifurcated Trial (First Phase)
3949. Punitive Damages—Individual and Corporate Defendants (Corporate Liability Based on Acts of Named Individual)—Bifurcated Trial (Second Phase)
3950–3959. Reserved for Future Use
3960. Contributory Negligence—General Verdict
3961. Duty to Mitigate Damages for Past Lost Earnings
3962. Duty to Mitigate Damages for Future Lost Earnings
3963. No Deduction for Workers’ Compensation Benefits Paid

3964. Jurors Not to Consider Attorney Fees and Court Costs
3965–3999. Reserved for Future Use
VF-3900. Punitive Damages—Trial Not Bifurcated
VF-3901. Punitive Damages Against Employer or Principal for Conduct of a
Specific Agent or Employee—Trial Not Bifurcated
VF-3902. Punitive Damages—Entity Defendant—Trial Not Bifurcated
VF-3903. Punitive Damages—Entity Defendant—Ratification—Trial Not Bifurcated
VF-3904. Punitive Damages—Entity Defendant—Authorization—Trial Not
Bifurcated
VF-3905. Damages for Wrongful Death (Death of an Adult)
VF-3906. Damages for Wrongful Death (Parents’ Recovery for Death of a Minor
Child)
VF-3907. Damages for Loss of Consortium (Noneconomic Damage)
VF-3908–VF-3999. Reserved for Future Use
Life Expectancy Table—Male
Life Expectancy Table—Female

SERIES 4000 LANTERMAN-PETRIS-SHORT ACT

4000. Conservatorship—Essential Factual Elements
4001. “Mental Disorder” Explained
4002. “Gravely Disabled” Explained
4003. “Gravely Disabled” Minor Explained
4004. Issues Not to Be Considered
4005. Obligation to Prove—Reasonable Doubt
4006. Sufficiency of Indirect Circumstantial Evidence
4007. Third Party Assistance
4008. Third Party Assistance to Minor
4009. Physical Restraint
4010. Limiting Instruction—Expert Testimony
4011. History of Disorder Relevant to the Determination of Grave Disability
4012. Concluding Instruction
4013. Affidavit of Voter Registration
4014–4999. Reserved for Future Use
VF-4000. Conservatorship—Verdict Form
VF-4001–VF-4999. Reserved for Future Use

SERIES 4100 BREACH OF FIDUCIARY DUTY

4100. “Fiduciary Duty” Explained
4101. Failure to Use Reasonable Care—Essential Factual Elements

- 4102. Duty of Undivided Loyalty—Essential Factual Elements
- 4103. Duty of Confidentiality—Essential Factual Elements
- 4104. Duties of Escrow Holder
- 4105. Duties of Stockbroker—Speculative Securities
- 4106. Affirmative Defense—Statute of Limitations
- 4107–4199. Reserved for Future Use

SERIES 4200

- 4200. Actual Intent to Defraud a Creditor (Civ. Code, § 3439.04(a)(1))—Essential Factual Elements
- 4201. Factors to Consider in Determining Actual Intent to Defraud (Civ. Code, § 3439.04(b))
- 4202. Constructive Fraudulent Transfer (Civ. Code, § 3439.04(a)(2))—Essential Factual Elements
- 4203. Constructive Fraudulent Transfer (Insolvency) (Civ. Code, § 3439.05)—Essential Factual Elements
- 4204. "Transfer" Explained
- 4205. Insolvency Explained
- 4206. Presumption of Insolvency
- 4207. Affirmative Defense of Good Faith (Civ. Code, § 3439.08)
- 4208. Statute of Limitations Defense—Actual and Constructive Fraud (Civ. Code, § 3439.09)
- 4209–4999. Reserved for Future Use

SERIES 5000 CONCLUDING INSTRUCTIONS

- 5000. Duties of the Judge and Jury
- 5001. Insurance
- 5002. Evidence
- 5003. Witnesses
- 5004. Service Provider for Juror With Disability
- 5005. Multiple Parties
- 5006. Non-Person Party
- 5007. Removal of Claims or Parties
- 5008. Duty to Abide by Translation Provided in Court
- 5009. Predeliberation Instructions
- 5010. Taking Notes During the Trial
- 5011. Reading Back of Trial Testimony in Jury Room
- 5012. Introduction to Special Verdict Form
- 5013. Deadlocked Jury Admonition

5014. Substitution of Alternate Juror
5015. Instruction to Alternate Jurors
5016. Judge's Commenting on Evidence
5017–5099. Reserved for Future Use
VF-5000. General Verdict Form—Single Plaintiff—Single Defendant—Single Cause
of Action
VF-5001. General Verdict Form—Single Plaintiff—Single Defendant—Multiple
Causes of Action
VF-5002–VF-5099. Reserved for Future Use

TABLES

Disposition Table

Table 1 of Related Instructions (BAJI to CACI)

Table 2 of Related Instructions (CACI to BAJI)

Table of Cases

Table of Statutes

INDEX